

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 12539 of 2005

Between:

1.M/s New Karimala Junior College,
Jannaram,Village and Mandal,
Jannaram.

2.M/s Karimala Junior College,
Luxettipet, Village and Mandal
Luxettipet.

(Sponsored by new Karimala
Educational Society, Jannaram)

District: Adilabad, rep. by its
Correspondent A.Lachanna.

.. PETITIONERS

AND

1.A.P.State Council for
Higher Education Saifabad,
Hyderabad, Rep.by its Secretary.

2.Board of Intermedidate, Nampally,
Hyderabad,Rep.by its Commissioner
and Secretary.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus duly declaring the notification dt.31.3.2005 issued by the 2nd respondent which was published in English Newspaper on 1.4.2005, as illegal, arbitrary and contrary to the provisions of A.P. Education Act, 1982 and Rules and consequently direct the respondents herein not to proceed further in pursuant to the notification dt.31.3.2005 issued by the 2nd respondent herein so far as it relates to Jannaram and Luxettipet areas.

Counsel for the Petitioners: MR.VINOD KUMAR DESHPANDE

Counsel for the Respondent No.1: MR.S.SATYANARAYANA PRASAD, SC FOR COUNCIL FOR HIGHER EDUCATION.

Counsel for the respondent No.2: MR.T.V.P.PRABHAKAR RAO, SC FOR BOARD OF INTERMEDIATE

The Court made the following:

ORDER:

This writ petition has been filed by two institutions viz., M/s. New Karimala Junior college, Jannaram and M/s.Karimala Junior College, Luxettipet with a prayer to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus duly declaring the notification dated 31.03.2005 issued by the second respondent which was published in English newspaper on 01.04.2005, as illegal, arbitrary and contrary to the provisions of A.P. Education Act, 1982 and Rules and consequently direct the respondents herein not to proceed further in pursuant to the notification dated 31.3.2005 issued by the 2nd respondent herein so far as it relates to Jannaram and Luxettipet areas.

2. The learned counsel appearing for the petitioners submits that the issue involved in this writ petition is squarely covered by the decision of this Court in W.P.No.9546 of 2005 and batch dated 21.06.2005. The factual aspect has not been controverted by the Standing Counsel appearing for the respondents 1 and 2. In the aforesaid writ petition it has been held as follows:

“ There are enough guidelines in the Government Orders subject to

which the Board has to process the applications for grant of new colleges treating the Mandal area as a unit. A scheme was approved by the Government in G.O.Ms.No.114, dated 9.8.2000. In para 1 of the said Government Order, guidelines for establishment of new colleges or sanction of new sections or permitting shifting of the colleges are enunciated. Indeed, the Board, which is established under Section 3 of the Act, is conferred with various powers under Section 9. It is also conferred with the power to make Regulations under Section 12 with the approval of the Government. The guidelines detailed in G.O.Ms.No.114, dated 9.8.2000 would show that the government have taken sufficient safeguards to avoid unhealthy competition among various junior colleges and also to ensure certain normative standards for maintaining manageable teacher-student ratio. When 1st and 2nd respondents have categorically stated in their counter affidavits that the applications for establishment of new junior colleges will be processed strictly in accordance with the guidelines issued in G.O.Ms.No.114, dated 9.8.2000 and other Government Orders governing the field, the apprehension of the writ petitioners is misconceived.”

3. Since the Government has assured to consider sanction of new junior colleges keeping in view the guidelines issued in G.O.Ms.No.114, dated 9.8.2000 this writ petition is disposed of directing the respondents to follow the guidelines detailed in G.O.Ms.No.114, dated 9.8.2000 and the Government Orders governing the field while granting permission to new junior colleges.

B.SESHASAYANA REDDY,J.

Date: 12th July 2005.

BSB

Note:

Issue CC by one week.

// B.O. //

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Secretary, A.P.State Council for
Higher Education, Saifabad,Hyderabad.

2.The Commissioner and Secretary,
Board of Intermedidate, Nampally,
Hyderabad.

3.Two CCs to Mr. T.V.P.PRABHAKAR, SC for
Board of Intermediate.

4.Two CD copies

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